

Michael J. Barron, Jr.
Counsel
Legal Department



Canadian National/Illinois Central
455 North Cityfront Plaza Drive
Chicago, Illinois 60611-5317
Telephone: (312) 755-7954
Fax: (312) 755-7669
Internet: Michael.Barron@cn.ca

FILED

DEC 23 2003

**SURFACE
TRANSPORTATION BOARD**

FEE RECEIVED

December 22, 2003

2097116

Via Overnight Delivery

DEC 23 2003

Mr. Vernon A. Williams
Secretary
Surface Transportation Board
1925 K Street, N.W.
Washington, D.C. 20423-0001

**SURFACE
TRANSPORTATION BOARD**

Re: Docket No. AB-43 (Sub-No. 175X), Illinois Central Railroad Company—
Abandonment Exemption — in Mobile County, Alabama

Dear Secretary Williams:

Enclosed for filing in the above-captioned proceeding are an original and ten copies of the Verified Notice of Exemption of Illinois Central Railroad Company dated December 22, 2003 pursuant to 49 C.F.R. § 1152.50. A check in the amount of \$2,800.00, representing the appropriate fee for this filing, also is enclosed.

One extra copy of this transmittal letter and of the Notice of Exemption are enclosed as well. Please date stamp these copies to show receipt and return them to me in the enclosed envelope.

The Environmental and Historic Reports for this proceeding have already been filed with the Board. Feel free to contact me if you have any questions. Thank you for your assistance in this matter.

Respectfully submitted,

FILED

DEC 23 2003

Michael J. Barron
Michael J. Barron, Jr.
Counsel for Illinois Central
Railroad Company

**SURFACE
TRANSPORTATION BOARD**

Encls.

**ENTERED
Office of Proceedings**

DEC 23 2003

Part of
Public Record



BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB-43 (SUB-NO. 175X)

ILLINOIS CENTRAL RAILROAD COMPANY —
ABANDONMENT EXEMPTION — IN MOBILE COUNTY, ALABAMA

**VERIFIED NOTICE OF EXEMPTION OF
ILLINOIS CENTRAL RAILROAD COMPANY PURSUANT TO
49 C.F.R. § 1152.50**

Michael J. Barron, Jr.
CN
455 North Cityfront Plaza Drive
Chicago, IL 60611-5317
(312) 755-7954

ATTORNEY FOR
ILLINOIS CENTRAL RAILROAD COMPANY

Dated: December 22, 2003

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB-43 (SUB-NO. 175X)

ILLINOIS CENTRAL RAILROAD COMPANY —
ABANDONMENT EXEMPTION — IN MOBILE COUNTY, ALABAMA

**VERIFIED NOTICE OF EXEMPTION OF
ILLINOIS CENTRAL RAILROAD COMPANY PURSUANT TO
49 C.F.R. § 1152.50**

Illinois Central Railroad Company ("IC") hereby submits this Notice of Exemption pursuant to 49 C.F.R. Part 1152, Subpart F, to abandon its line of railroad between milepost 3.67 and milepost 4.7, a distance of 1.03 miles in Prichard, Mobile County, Alabama ("Prichard Trackage").

In accordance with the requirements of 49 C.F.R. § 1152.50(d)(2), IC submits the following information:

General Corporation Information: 49 C.F.R. § 1152.22(a)(1)-(2)

IC is a Class I common carrier by rail which owns and operates approximately 2,550 miles of rail line in six Midwestern and south central states. IC is a wholly-owned subsidiary of Canadian National Railway Company. The complete name and address of IC is:

Illinois Central Railroad Company
455 North Cityfront Plaza Drive
Chicago, Illinois 60611-5317

Relief Sought: 49 C.F.R. § 1152.22(a)(3)

Pursuant to the Board's class exemption for the abandonment of out-of-service rail lines, codified at 49 C.F.R. Part 1152, Subpart F, IC intends to abandon its line of railroad between milepost 3.67 and milepost 4.7, a distance of approximately 1.03 miles in Prichard, Mobile County, Alabama.

Map: 49 C.F.R. § 1152(a)(4)

A map of Prichard Trackage is attached hereto as Exhibit A.

IC's Representative: 49 C.F.R. § 1152.22(a)(7)

IC's representative to whom correspondence regarding this abandonment should be sent is:

Michael J. Barron, Jr.
Illinois Central Railroad Company
c/o CN
455 North Cityfront Plaza Drive
Chicago, IL 60611-5317
(312) 755-7954

ZIP Codes Traversed: 49 C.F.R. § 1152.22(a)(8)

Prichard Trackage traverses United States Postal Service ZIP Code 36610.

Qualification for Class Exemption: 49 C.F.R. § 1152.50(b)

Per the certificate and verification attached hereto as Exhibit B, IC certifies that no local revenue traffic has moved over Prichard Trackage for at least the last two years, there is no overhead traffic on Prichard Trackage that would have to be rerouted over other lines, and no formal complaint filed by a user of rail service on Prichard Trackage (or a state or local governmental entity acting on behalf of such user) regarding cessation of service on the proposed abandonment is pending with the Board or any U.S. District Court or has been decided in favor of the complainant during the last two years.

Consummation Date: 49 C.F.R. § 1152.50(d)(2)

IC will not consummate the proposed abandonment any earlier than February 22, 2004.

Suitability for Other Public Purposes: 49 C.F.R. § 1152.22(e)(4)

The Prichard Trackage right-of-way may be suitable for use as a recreational trail or other similar public purpose. IC does not believe that the right-of-way would be of interest to the State or any other entity as a highway or mass transportation line or other similar public use as Prichard Trackage travels through an already-developed area. IC has received an expression of interest from the City of Prichard regarding purchasing part or all of Prichard Trackage for residential development. A substantial portion of Prichard Trackage appears to have been built on easement rights.

Labor Protection: 49 C.F.R. 1152.50(d)(2)

The level of labor protection applicable in rail line abandonments is that established in *Oregon Short Line Co. — Abandonment — Goshen*, 360 I.C.C. 91 (1979).

**Certificate of Compliance with Notice Requirements:
49 C.F.R. § 1152.50(d)(2)**

A certificate that the notice of requirements of 49 C.F.R. § 1152(d)(1) and 49 C.F.R. § 1105.11 have been complied with is attached hereto as Exhibit C.

Environmental and Historic Report: 49 C.F.R. §§ 1105.7 and 1105.8

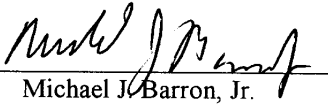
An Environmental Report and Historic Report, prepared pursuant to C.F.R. §§ 1105.7 and 1105.8, were already filed with the Surface Transportation Board in this proceeding.

Since serving its Environmental Report and Historic Report on November 11, 2003, the copy for the designated coastal zone agency in Alabama came back as undeliverable and it appears that Alabama may have changed their designated coastal

zone agency. IC contacted state authorities and determined that the designated coastal zone agency in Alabama is the Alabama Department of Conservation & Natural Resources, State Lands Division, Coastal Section. IC served them a copy of the Environmental Report and Historic Report on December 3, 2003. IC believes that this abandonment will not affect a coastal zone. It is not located on water, the trackage has been unused for a number of years, and it is located in an already-developed area. In addition, the State Lands Division also indicated, based on our report served on them December 3, 2003, that the proposed abandonment "appears to present no threat to known sensitive species in the immediate vicinity." See correspondence attached herein as Exhibit D.

IC also received a letter from the Corps of Engineers dated November 21, 2003, indicating that the Environmental Report we served on them was under review. See correspondence attached herein as Exhibit E. IC does not believe the abandonment should cause the Corps of Engineers any concern. No material will be disposed of in a waterway, and no work will be done on a waterway.

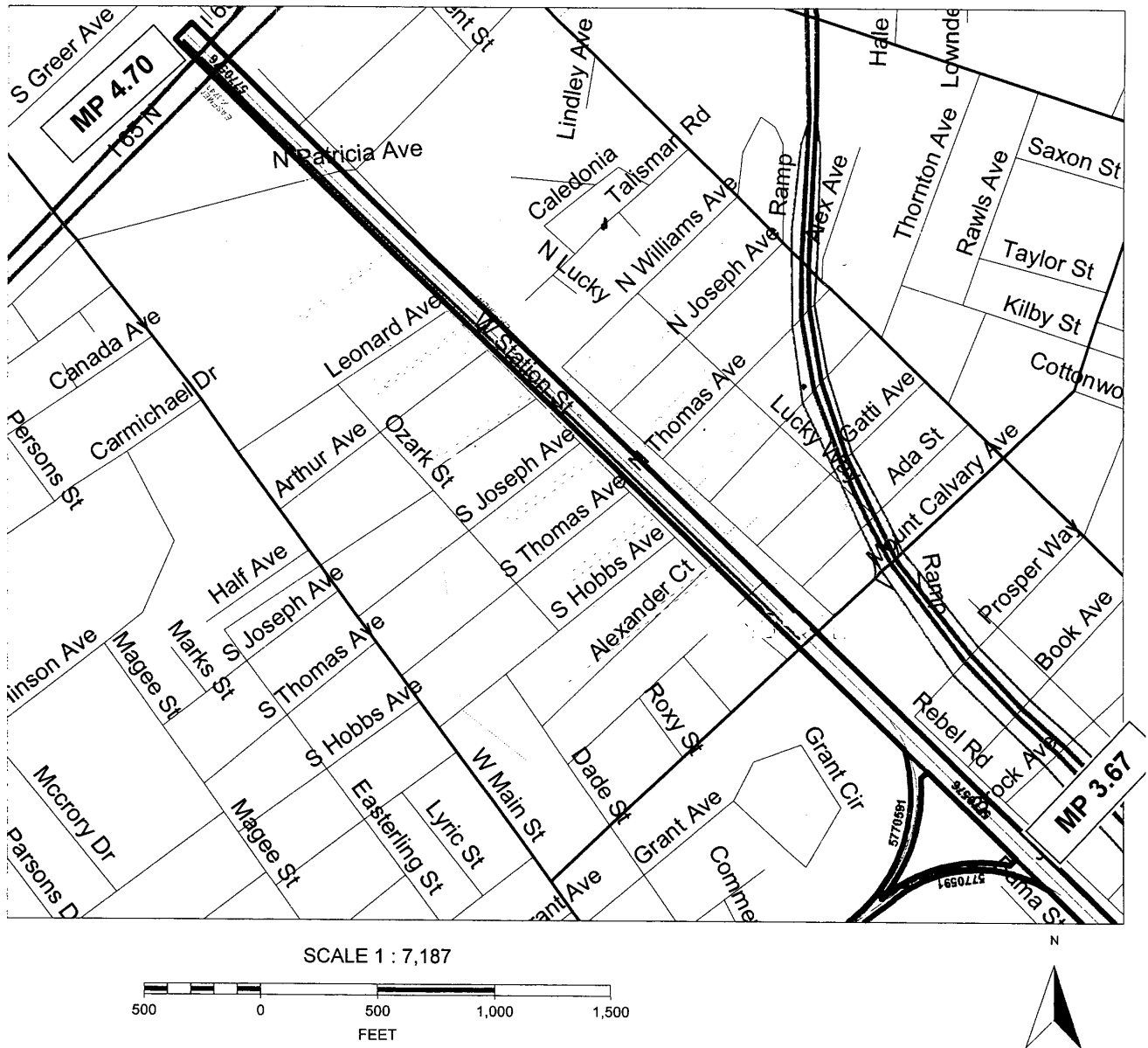
Respectfully submitted,

By 
Michael J. Barron, Jr.
CN
455 North Cityfront Plaza Drive
Chicago, IL 60611-5317
(312)755-7954

Dated: December 22, 2003

ATTORNEY FOR ILLINOIS CENTRAL
RAILROAD COMPANY

ILLINOIS CENTRAL RAILROAD COMPANY
PRICHARD, ALABAMA



DOCKET NO. AB-43 (SUB-NO. 175X)

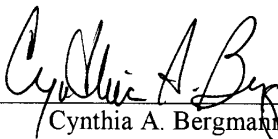
ILLINOIS CENTRAL RAILROAD COMPANY — ABANDONMENT EXEMPTION —
IN MOBILE COUNTY, ALABAMA

CERTIFICATE AND VERIFICATION

STATE OF ILLINOIS)
) ss
COUNTY OF COOK)

Cynthia A. Bergmann, being duly sworn, deposes and says:

1. That no local traffic has moved over the line between milepost 3.67 and milepost 4.7, in Mobile County, Alabama, for at least two years, and that there is no overhead traffic to be rerouted over other lines; and
2. That no formal complaint filed by a user of rail service on the subject line (or a state or local government entity acting on behalf of such user) regarding cessation of service over the line is either pending with the Surface Transportation Board or any U.S. District Court or has been decided in favor of the complainant within the last two years; and
3. That she has read the foregoing Notice of Exemption, knows the facts therein asserted, and that the same are true as stated.



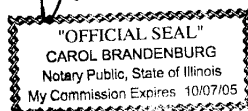
Cynthia A. Bergmann
Assistant Secretary Date: 12/22/03

Subscribed and sworn to
before me this 22ND day of
December, 2003.



Notary Public

U:\M J B\A B\Prichard\Cert&Verif.doc

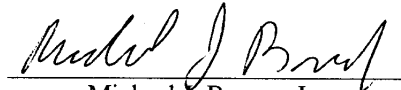


CERTIFICATE

I, Michael J. Barron, Jr., an attorney for Illinois Central Railroad Company, hereby certify that, for the proceeding before the Surface Transportation Board known as Docket No. AB-43 (Sub-No. 175X), Illinois Central Railroad Company — Abandonment Exemption — in Mobile County, Alabama:

(1) The notice requirements of 49 C.F.R. § 1152.50(d)(1) have been complied with, to-wit: On December 3, 2003, written notice was mailed to the: (a) United States Department of Defense, MTMCTEA, Attn: Railroads for National Defense; (b) Chief of the Forest Service, U.S. Department of Agriculture; (c) Center for Recreation and Conservation, National Park Service; and (d) Alabama Department of Transportation (copies of which are attached hereto as Attachments 1-4).

(2) The notice requirements of 49 C.F.R. § 1105.11 have been complied with, to wit: On November 11, 2003, the Environmental Report and Historic Report for this proceeding, which reports have also been filed with the Surface Transportation Board, and the accompanying transmittal letters in the form set forth in 49 C.F.R. § 1105.11 (a sample of which is attached hereto as Attachment 5) were served by first class mail, postage prepaid, on the parties listed on Attachment 6, as required by 49 C.F.R. § 1105.7(b) and § 1105.11. One of the envelopes was returned because of an improper address, and remailed on December 3, 2003 to the Alabama Department of Conservation & Natural Resources, State Lands Division, Coastal Section, twenty days before this filing.


Michael J. Barron, Jr.

Dated: December 22, 2003

Michael J. Barron, Jr.
Counsel
Legal Department

Attachment 1



Canadian National/Illinois Central
455 North Cityfront Plaza Drive
Chicago, Illinois 60611-5317
Telephone: (312) 755-7954
Fax: (312) 755-7669
Internet: Michael.Barron@cn.ca

December 3, 2003

United States Department of Defense
MTMCTEA
Attn: Railroads for National Defense
720 Thimble Shoals Blvd. Suite 130
Newport News, VA 23606-2574

Re: Docket No. AB-43 (Sub-No. 175X), Illinois Central Railroad
Company Notice of Exemption in Mobile County, Alabama

Dear Sir/Madam:

This is to inform you that pursuant to 49 C.F.R. § 1152.50 (Exempt Abandonments and Discontinuance of Service and Trackage Rights), Illinois Central Railroad Company shall on or after December 13, 2003, file a Notice of Exemption with the Surface Transportation Board for approval to abandon trackage in Mobile County, Alabama, from milepost 3.67 to milepost 4.7, approximately 1.03 miles of railroad. Such line runs through U.S. Postal Zip Code 36610.

The exemption procedures set forth in § 1152.50 are being used in this case because no local traffic has moved over this line for at least two years and there is no potential overhead traffic because milepost 4.7 is the end of track. Based on information in our possession, the line does not contain any federally granted rights-of-way. Any documentation in the railroad's possession will be made available promptly to those requesting it.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Michael J. Barron, Jr.'.

Michael J. Barron, Jr.
Counsel for Illinois Central
Railroad Company

Michael J. Barron, Jr.
Counsel
Legal Department

Attachment 2



Canadian National/Illinois Central
455 North Cityfront Plaza Drive
Chicago, Illinois 60611-5317
Telephone: (312) 755-7954
Fax: (312) 755-7669
Internet: Michael.Barron@cn.ca

December 3, 2003

Mr. Dale Bosworth
Chief, Forest Service
U.S. Department of Agriculture
201 14th Street, SW
Washington, DC 20520

Re: Docket No. AB-43 (Sub-No. 175X), Illinois Central Railroad
Company Notice of Exemption in Mobile County, Alabama

Dear Mr. Bosworth:

This is to inform you that pursuant to 49 C.F.R. § 1152.50 (Exempt Abandonments and Discontinuance of Service and Trackage Rights), Illinois Central Railroad Company shall on or after December 13, 2003, file a Notice of Exemption with the Surface Transportation Board for approval to abandon trackage in Mobile County, Alabama, from milepost 3.67 to milepost 4.7, approximately 1.03 miles of railroad. Such line runs through U.S. Postal Zip Code 36610.

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Sincerely,

Michael J. Barron, Jr.
Counsel for Illinois Central
Railroad Company

Michael J. Barron, Jr.
Counsel
Legal Department

Attachment 3



Canadian National/Illinois Central
455 North Cityfront Plaza Drive
Chicago, Illinois 60611-5317
Telephone: (312) 755-7954
Fax: (312) 755-7669
Internet: Michael.Barron@cn.ca

December 3, 2003

Superintendent
Center for Recreation and Conservation
National Park Service
1849 C Street
Washington, DC 20240


Re: Docket No. AB-43 (Sub-No. 175X), Illinois Central Railroad
Company Notice of Exemption in Mobile County, Alabama

Dear Sir/Madam:

This is to inform you that pursuant to 49 C.F.R. § 1152.50 (Exempt Abandonments and Discontinuance of Service and Trackage Rights), Illinois Central Railroad Company shall on or after December 13, 2003, file a Notice of Exemption with the Surface Transportation Board for approval to abandon trackage in Mobile County, Alabama, from milepost 3.67 to milepost 4.7, approximately 1.03 miles of railroad. Such line runs through U.S. Postal Zip Code 36610.

The exemption procedures set forth in § 1152.50 are being used in this case because no local traffic has moved over this line for at least two years and there is no potential overhead traffic because milepost 4.7 is the end of track. Based on information in our possession, the line does not contain any federally granted rights-of-way. Any documentation in the railroad's possession will be made available promptly to those requesting it.

Sincerely,


Michael J. Barron, Jr.
Counsel for Illinois Central
Railroad Company

Michael J. Barron, Jr.
Counsel
Legal Department

Attachment 4



Canadian National/Illinois Central
455 North Cityfront Plaza Drive
Chicago, Illinois 60611-5317
Telephone: (312) 755-7954
Fax: (312) 755-7669
Internet: Michael.Barron@cn.ca

December 3, 2003

Mr. Joseph McInnes
Transportation Director
Alabama Department of Transportation
P.O. Box 303050
Montgomery, AL 36130-3050


Re: Docket No. AB-43 (Sub-No. 175X), Illinois Central Railroad
Company Notice of Exemption in Mobile County, Alabama

Dear Mr. McInnes:

This is to inform you that pursuant to 49 C.F.R. § 1152.50 (Exempt Abandonments and Discontinuance of Service and Trackage Rights), Illinois Central Railroad Company shall on or after December 13, 2003, file a Notice of Exemption with the Surface Transportation Board for approval to abandon trackage in Mobile County, Alabama, from milepost 3.67 to milepost 4.7, approximately 1.03 miles of railroad. Such line runs through U.S. Postal Zip Code 36610.

The exemption procedures set forth in § 1152.50 are being used in this case because no local traffic has moved over this line for at least two years and there is no potential overhead traffic because milepost 4.7 is the end of track. Based on information in our possession, the line does not contain any federally granted rights-of-way. Any documentation in the railroad's possession will be made available promptly to those requesting it.

Sincerely,


Michael J. Barron, Jr.
Counsel for Illinois Central
Railroad Company

Michael J. Barron, Jr.
Counsel
Legal Department

Attachment 5



Canadian National/Illinois Central
455 North Cityfront Plaza Drive
Chicago, Illinois 60611-5317
Telephone: (312) 755-7954
Fax: (312) 755-7669
Internet: Michael.Barron@cn.ca

November 11, 2003

**Re: Illinois Central Railroad Company Notice of Exemption for Abandonment—
Mobile County, Alabama—Docket AB-43 (Sub-No. 175X)**

To Whom It May Concern:

Any time on or after December 1, 2003, Illinois Central Railroad Company ("IC") expects to file with the Surface Transportation Board ("STB") a Notice of Exemption seeking authority to abandon a railroad line located between milepost 3.67 and milepost 4.7 in Prichard, Mobile County, Alabama. Enclosed is an Environmental Report and a Historic Report describing the proposed action and any expected environmental and historical effects, as well as a map of the affected area.

We are providing this report so that you may review the information that will form the basis for the STB's independent environmental and historical analysis of this proceeding. If any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the STB's environmental and historic review process, please contact their Section of Environmental Analysis (SEA), at the Surface Transportation Board, 1925 K Street, N.W., Washington, D.C. 20423-0001, (202) 565-1545, and refer to the above docket number.

IC will file the Environmental Report and Historic Report with the STB on or about November 11, 2003. Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to the STB (with a copy to the undersigned) would be appreciated within three weeks. Your comments will be considered by the STB in evaluating the environmental and historical impact of the contemplated action.

If there are any questions concerning this proposal, please contact the undersigned directly at (312) 755-7954 or by mail at the above address.

Sincerely,

Michael J. Barron, Jr.
Counsel for Illinois Central
Railroad Company

Encls.

SERVICE LIST

John Pafenbach
Administrator
County of Mobile
205 Government Street
Mobile, AL 36644-1001

Charles E. Harden
Mayor
City of Prichard
P.O. Box 10427
Prichard, AL 36610

Joseph McInnes
Transportation Director
Alabama Department of Transportation
P.O. Box 303050
Montgomery, AL 36130-3050

Director
ADCNR State Lands Division
Coastal Section
64 N. Union Street
Montgomery, AL 36130

James W. Warr
Director
Alabama Dept. of Environmental Management
P.O. Box 301463
Montgomery, AL 36130-1463

Barnett Lawley
Commissioner
Alabama Department of Conservation and
Natural Resources
64 N. Union Street
Montgomery, AL 36110

Berry H. Tew, Jr.
State Geologist and Director
Geological Survey of Alabama
420 Hackberry Lane
Tuscaloosa, AL 35486-6999

Alabama Public Service Commission
Transportation Division, Suite 850
P.O. Box 304260
Montgomery, AL 36130

M. N. Pugh
Director
Alabama Department of Conservation and Natural
Resources
Division of Wildlife and Freshwater Fisheries
64 N. Union Street
Montgomery, AL 36130

J.I. Palmer, Jr.
Regional Administrator, Region IV
U.S. Environmental Protection Agency
61 Forsyth Street, SW
Atlanta, GA 30303

SERVICE LIST

Patrick Robbins
Chief, Legislative and Public Affairs, CESAM-DX
U.S. Army Corps of Engineers
Mobile District
P.O. Box 2288
Mobile, AL 36628-0001

Ben Malone
District Conservationist
USDA Natural Resources Conservation Services
Mobile Service Center
1070 Schillinger Rd. N
Mobile, AL 36608-5200

Sam Hamilton
Regional Director
U.S. Fish & Wildlife Service
1875 Century Boulevard, Suite 400
Atlanta, GA 30345

Lee H. Warner
Executive Director
Alabama Historical Commission
468 South Perry Street
Montgomery, AL 36130

Ed Bridges
Director
Alabama Department of Archives & History
P.O. Box 300100
Montgomery, AL 36130-0100

William D. Shaddox
Chief, Land Resources Division
National Park Service
1849 C Street, N.W.
Washington, DC 20240

Clearinghouse
Search turned up Geological Survey of Alabama

Edward J. McKay
Chief, Spatial Reference System Division
National Geodetic Survey
Nat'l Oceanic and Atmospheric Administration
1315 East West Highway, Room 8813
Silver Spring, MD 20910-3282



BOB RILEY
GOVERNOR

M. BARNETT LAWLEY
COMMISSIONER

RICHARD C. LILES
OPERATIONS DIRECTOR

STATE OF ALABAMA
DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
64 NORTH UNION STREET
MONTGOMERY, AL 36130

JAMES H. GRIGGS, DIRECTOR
GREGORY M. LEIN, ASSISTANT DIRECTOR
STATE LAND DIVISION

TELEPHONE (334) 242-3484
FAX NO. (334) 242-0999

December 11, 2003

Mr. Michael Barron
Canadian National/Illinois Central
455 North Cityfront Plaza Drive
Chicago IL, IL 60611-5317

RE: Sensitive Species Information request
Notice of Abandonment--Docket AB-43 (Sub-No. 175X)

Dear Mr. Barron:

Our office received your request on December 8, 2003 and has since developed the following information pertaining to state protected, federally listed threatened and endangered species, and species that we believe to be sensitive to environmental perturbations. I have enclosed a list of sensitive species which the Natural Heritage Section Database or the U.S. Fish and Wildlife Service have indicated occur or have occurred in Mobile County. Additionally, I have listed some potentially helpful and informative web sites at the end of this letter.

The Natural Heritage Section database contains numerous records of sensitive species in Mobile County. Our database indicates the area of interest has had no biological survey performed at the delineated location, by our staff or any individuals referenced in our database. Therefore we can make no accurate assessment to the past or current inhabitancy of any federal or state protected species at that location. A biological survey conducted by trained professionals is the most accurate way to ensure that no sensitive species are jeopardized by the development activities. The closest sensitive species is recorded in our database as occurring approximately 3.6 miles from the subject site. This state protected species is found in and around wetlands and marshes. Destruction and disturbance these habitats should be avoided and "taking" of the animal itself is prohibited. The abandonment of this railroad line appears to present no threat to known sensitive species in the immediate vicinity.

I hope this information will be useful to you. The provided information is to help you in fulfilling your necessary legal obligations. The information does not suggest that protected species are not at this location. The specific location of a sensitive species is considered confidential information by a State Lands Division Regulation and can be released only to

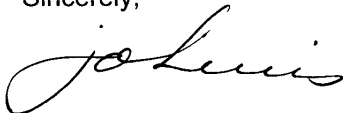


Mr. Michael Barron
12/11/2003
Page 2

individuals who enter into a confidentiality and indemnity contract with the State Lands Division.

The Natural Heritage Section provides this information as a service to the people of Alabama. The NHS acts as a clearing house for species distribution data. We happily accept any information environmental researchers are willing to donate. Sensitive species exact locations are kept confidential. If you would be willing to donate any information to this database, we will be better able to assist all individuals interested in environmental compliance.

Sincerely,



Jo Lewis
Database Manager

Enclosures

Potentially helpful web sites

Information about federally listed species
<http://www.pfmt.org/wildlife/endangered/>
<http://www.al.nrcs.usda.gov/FOTG/aITE.html>
http://ecos.fws.gov/webpage/webpage_usa_lists.html?#AL
<http://southeast.fws.gov/daphne/specieslst.htm>
<http://www.natureserve.org/explorer/>

Non-game species regulation starts on page 75

http://www.dcnr.state.al.us/agfd/2002-2003_regbook.doc

ALABAMA'S FEDERALLY LISTED AND STATE PROTECTED SPECIES (BY COUNTY)

This list is a combination of the June 2002 U.S.F.W. Service (Daphne field Office) federally listed species by county list and the Alabama State Lands Division's Natural Heritage Section Database of species distributions data. This list is continually being updated, and, therefore, it may be incomplete or inaccurate and is provided strictly for informational purposes. It does not constitute any form of Section 7 consultation. We recommend that the U.S.F.W. Service Field Office in Daphne be contacted for Section 7 consultations. Site specific information can be provided by the Alabama State Lands Division's Natural Heritage Section and/or the U.S.F.W. Service (Daphne field Office) prior to project activities. To be certain of occurrence, surveys should be conducted by qualified biologists to determine if a sensitive species occurs within a project area. Species not listed for a given county does not imply that they do not occur there, only that their occurrence there is as yet unrecorded by these two agencies.

Key to codes on list: (P) - Historical Record and/ or Possible Occurrence in the County
Federal E - Endangered C - Candidate Species
Federal T - Threatened Experimental - Nonessential Experimental Populations occur in

Mobile

Protection Status	Common name	Scientific Name	State Regulation Applicable
Endangered	Least Tern	<i>Sterna antillarum</i>	220-2-.92 (1) (d)
Endangered	Alabama Red-belly Turtle	<i>Pseudemys alabamensis</i>	220-2-.92 (1) (c)
Endangered	Kemp's ridley Sea turtle	<i>Lepidochelys kempii</i>	220-2-.92 (1) (f)
Endangered	Louisiana Quillwort	<i>Isoetes louisianensis</i> (P)	
Endangered	Red-cockaded Woodpecker	<i>Picoides borealis</i>	220-2-.92 (1) (d)
Threatened	Piping Plover	<i>Charadrius melodus</i>	220-2-.92 (1) (d)
Threatened	Bald Eagle	<i>Haliaeetus leucocephalus</i>	220-2-.92 (1) (d)
Threatened	Eastern Indigo Snake	<i>Drymarchon corais couperi</i>	220-2-.92 (1) (c)
Threatened	Flatwoods Salamander	<i>Ambystoma cingulatum</i>	220-2-.92 (1) (b)
Threatened	Gopher Tortoise	<i>Gopherus polyphemus</i>	220-2-.92 (1) (c)
Threatened	Green Sea Turtle	<i>Chelonia mydas</i>	220-2-.92 (1) (f)
Threatened	Gulf Sturgeon	<i>Acipenser oxyrinchus desotoi</i>	220-2-.92 (1) (f)
Threatened	Loggerhead Sea Turtle	<i>Caretta caretta</i>	220-2-.92 (1) (f)
Candidate	Black Pine Snake	<i>Pituophis melanoleucus lodingi</i>	220-2-.92 (1) (c)
State Protected	Wilson's Plover	<i>Charadrius wilsonia</i>	220-2-.92 (1) (d)
State Protected	American White Pelican	<i>Pelecanus erythrorhynchos</i>	220-2-.92 (1) (d)
State Protected	Cooper's Hawk	<i>Accipiter cooperii</i>	220-2-.92 (1) (d)
State Protected	Gulf Salt Marsh Snake	<i>Nerodia fasciata clarkii</i>	220-2-.92 (1) (c)
State Protected	Gull-billed Tern	<i>Sterna nilotica</i>	220-2-.92 (1) (d)
State Protected	Mississippi Diamondback Terrapin	<i>Malaclemys terrapin pileata</i>	220-2-.92 (1) (c)
State Protected	Osprey	<i>Pandion haliaetus</i>	220-2-.92 (1) (d)
State Protected	Peregrine Falcon	<i>Falco peregrinus</i>	220-2-.92 (1) (d)
State Protected	Rafinesque's Big-eared Bat	<i>Corynorhinus rafinesquii</i>	220-2-.92 (1) (e)
State Protected	Reddish Egret	<i>Egretta rufescens</i>	220-2-.92 (1) (d)
State Protected	Snowy Plover	<i>Charadrius alexandrinus</i>	220-2-.92 (1) (d)

ALABAMA'S FEDERALLY LISTED AND STATE PROTECTED SPECIES (BY COUNTY)

Mobile

Protection Status	Common name	Scientific Name	State Regulation Applicable
State Protected	Southeastern Bat	<i>Myotis austroriparius</i>	220-2-.92 (1) (e)
State Protected	American Oystercatcher	<i>Haematopus palliatus</i>	220-2-.92 (1) (d)

Notes:

- Bald eagle *Haliaeetus leucocephalus*, red-cockaded woodpecker *Picoides borealis* and the American peregrine falcon (*Falco peregrinus anatum*) may occur in any county, if habitat exists.

- Wood stork / July - October

- Bald eagle / Wintering birds possible in areas with reservoirs.

- Sea turtles / Only loggerhead is potential nester, the rest are in coastal waters.

- Black bear *Ursus americanus* sp. - known to exist in Mobile County, but not listed.

- Gulf moccasin shell *Mediondus penicillatus*, oval pigtoe *Pleuroberna pyriforme*, Chipola slabshell *El liptio chipolaensis*, and purple bankclimber *Elliptoideus sloatianus*, are freshwater mussels of the family Unionidae found only in eastern Gulf Slope streams draining the Apalachicola Region, defined as streams from the Escambia to the Suwannee river systems, and occurring in southeast Alabama, southwest Georgia, and north Florida. All are listed as "Endangered".

- Fanshell *Cyprogenia stegaria*, Oyster mussel *Epioblasma capsaeformis*, Catpaw (purple cat's paw pearlymussel) *Epioblasma obliquata obliquata*, are historically known to be found in the Tennessee River system and drainage.

- Gentian pinkroot *Spigelia gentianoides*, has been historically found along the Alabama-Florida border.

- West Indian Manatee *Trichechus manatus*, have been known to move north along the gulf coast west to Louisiana.

- Experimental * Species is protected throughout its range including Colbert and Lauderdale counties except for the nonessential experimental population. Endangered and Threatened Wildlife and Plants; Establishment of Nonessential Experimental Population Status for 16 Freshwater Mussels and 1 Freshwater Snail in the Free-Flowing Reach of the Tennessee River below the Wilson Dam, Colbert and Lauderdale Counties, Alabama. [Federal Register; June 14, 2001 (Volume 66, Number 115)] RIN 1018-AE92

- ** (S/A) Similarity of Appearance to a threatened Taxon.

ALABAMA'S FEDERALLY LISTED AND STATE PROTECTED SPECIES (BY COUNTY)

Mobile

Protection Status	Common name	Scientific Name	State Regulation Applicable
State Protected	Southeastern Bat	Myotis austroriparius	220-2-.92 (1) (e)
State Protected	American Oystercatcher	Haematopus palliatus	220-2-.92 (1) (d)

Notes:

- Bald eagle *Haliaeetus leucocephalus*, red-cockaded woodpecker *Picoides borealis* and the American peregrine falcon (*Falco peregrinus anatum*) may occur in any county, if habitat exists.
- Wood stork / July - October
- Bald eagle / Wintering birds possible in areas with reservoirs.
- Sea turtles / Only loggerhead is potential nester, the rest are in coastal waters.
- Black bear *Ursus americanus* sp. - known to exist in Mobile County, but not listed.
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- ** (S/A) Similarity of Appearance to a threatened Taxon.

EXHIBIT E



DEPARTMENT OF THE ARMY

MOBILE DISTRICT, CORPS OF ENGINEERS

P.O. BOX 2288

MOBILE, ALABAMA 36628-0001

REPLY TO
ATTENTION OF:

November 21, 2003

Regulatory Branch
Operations Division

Canadian National/ Illinois Central
Attention: Mr. Michael Barron, Jr.
455 North Cityfront Plaza Drive
Chicago, Illinois 60611-5317

Dear Mr. Barron:

This is to acknowledge receipt of your request for the performance of a Jurisdictional Determination/Wetland Delineation in regards to Docket AB-34. The project site is located in Mobile County, Alabama.

Ms. Debra D. Archie has been assigned as project manager for your Jurisdictional Determination/Wetland Delineation. Her telephone number is (251) 694-3734, and your application has been given the number ALJ03-03873-C. Please refer to this number should you have any reason to contact this office.

In the event additional information is needed or problems arise pertaining to your application, she will contact you. Please be assured that every effort will be made to complete evaluation of your permit application in a timely manner.

Sincerely,

A handwritten signature in cursive script, reading "Leslie Hiles", is positioned above the typed name.

Leslie Hiles
Enforcement Section